

Notice of Allowability

Application No.

10/705,578

Examiner

Julio C. Gonzalez

Applicant(s)

BASSETT, TERRY EDGAR

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/31/05.
2. ☒ The allowed claim(s) is/are 1-9, 11-20 and 22-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Benjamin Erlick on 09/20/05.

The application has been amended as follows:

A) In claim 11, line 22, after the word "burning", change "." into --- ; ---.

B) In claim 11, line 23, enter ---

1) wherein said combustion heat means comprises:

i) atomizer means for atomizing such environmentally hazardous waste oils prior to combustion. --- .

C) In claim 23, line 25, after the word "burning", change "." into --- ; ---.

D) In claim 23, line 26, enter ---

1) wherein said at least one combustion heater comprises:

i) at least one atomizer for atomizing such environmentally hazardous waste oils prior to combustion. ---.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: With respect to claims 1 and 12, the prior art fails to disclose, in combination with all the limitations, the allowable subject matter indicated in the Office Action sent on 05/27/05, a combustion heater, which has an atomizer for atomizing the waste oils prior to combustion and an igniter for igniting the waste oils after the oils have passed through the atomizers. It would not have been obvious to combine a fourth reference to reject such claims due to hindsight and reconstruction of the Applicant's invention. With respect to claims 11 and 23, the prior art fails to disclose, in combination with all the limitations, the allowable subject matter indicated in the Office Action sent on 05/27/05, a pump for pumping the waste oils from a holder to the combustion heater, a flow regulator for regulating the flow volume of the waste oils being pumped, a pre-heating structure for pre-heating the waste oils prior to burning and an atomizer for atomizing the waste oils prior to combustion (see Examiner's Amendment). With respect to claim 22, the prior art fails to disclose, in combination with all the limitations, the allowable subject matter indicated in the Office Action sent on 05/27/05, a combustion heat produced by the heater being of a direct flow and part of the primary heat exchanger being

positioned to be in thermal communication with the direct heat flow and a primary heat exchanger directing a heat flow to a secondary heat exchanger.

With respect to claim 23, the prior art fails to disclose, in combination with all the limitations, the allowable subject matter indicated in the Office Action sent on 05/27/05, a power site having an electrical circuit and generating power from heated air and liquid and the combustion heater having a capacity specified in the claim and venting the combustion gases when the combustion of waste oils take place.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

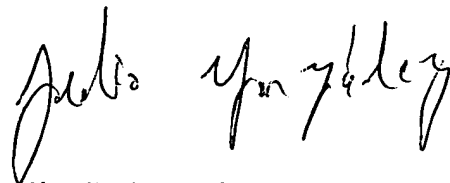
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Julio Gonzalez", written in a cursive style.

Julio C. Gonzalez
Examiner
Art Unit 2834

Jcg

September 20, 2005